

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS,  
DALLAS DIVISION**

LATRICE COLEMAN,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
CREDIT MANAGEMENT LP, a/ka/ THE	§	
CMI GROUP,	§	
	§	
Defendant.	§	

**PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

LATRICE COLEMAN (Plaintiff), through her attorneys, KROHN & MOSS, LTD.,  
alleges the following against CREDIT MANAGEMENT LP, a/ka/ THE CMI GROUP  
(Defendant):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

### **PARTIES**

6. Plaintiff is a natural person residing at 1535 Nottingham Drive, Lancaster, Dallas County County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company with its main office located in Carrollton, Texas.

### **FACTUAL ALLEGATIONS**

10. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.
11. Defendant has been placing collection calls to Plaintiff for nearly two months.
12. Defendant places multiple collection calls to Plaintiff daily (see Exhibit A).
13. Defendant places collection calls to Plaintiff's cellular phone number: 469-449-4483.
14. Defendant places collection calls to Plaintiff from telephone number: 817-887-2012.
15. Defendant places collection calls to Plaintiff after 9:00 PM (see Exhibit A).
16. Defendant placed a collection call to Plaintiff at 9:11 PM on September 12, 2010, another at 10:04 PM on September 13, 2010 and another at 10:05 PM on September 13, 2010 (see Exhibit A)

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff after 9:00 PM, a time known to be inconvenient to Plaintiff.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, and abuse Plaintiff.
- c. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by communicating with Plaintiff after 9:00 PM.

WHEREFORE, Plaintiff, LATRICE COLEMAN, respectfully requests judgment be entered against Defendant, CREDIT MANAGEMENT LP, a/ka/ THE CMI GROUP, for the following:

18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: November 15, 2010

By: /s/Peter Cozmyk,  
Peter Cozmyk Esq.  
Attorney for Plaintiff  
Krohn & Moss, Ltd.  
3 Summit Park Drive  
Suite 140  
Independence, OH 44131  
[pcozmyk@consumerlawcenter.com](mailto:pcozmyk@consumerlawcenter.com)  
Phone: (323) 988-2400 x 213  
Fax: (866) 799-3206

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, LATRICE COLEMAN, demands a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF TEXAS

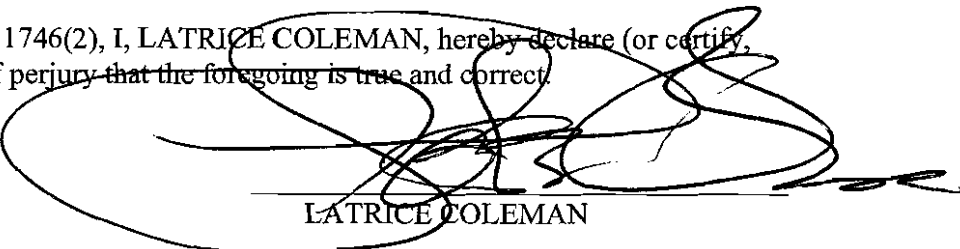
Plaintiff, LATRICE COLEMAN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LATRICE COLEMAN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

10-19-10

Date

  
LATRICE COLEMAN

## **EXHIBIT A**

1 (817) 887-2012	9:31 PM
Duration: 0:00	9/13/10
1 (817) 887-2012	12:12 PM
Duration: 1:11	9/14/10
1 (817) 887-2012	10:05 PM
Duration: 0:06	9/13/10
1 (817) 887-2012	10:04 PM
Duration: 0:12	9/13/10
1 (817) 887-2012	10:04 PM
Duration: 0:00	9/13/10
1 (817) 887-2012	9:11 PM
Duration: 0:00	9/12/10

from  
Latorice Coleman  
[redacted]

phone from  
cellphone  
call 469-449-4483  
record  
time +  
Date

① -  
Credit Service Inc.  
(management) [redacted]

Sax [redacted]

Attention: Karen exto 225 [redacted]

[redacted]  
[redacted]  
[redacted]